

## MESSAGE

OF THE

## PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

*In compliance with a resolution of the Senate, papers in regard to the seizure of the American barque Panchita on the coast of Africa.*

MAY 3, 1858.—Read, and ordered to lie on the table. Motion to print referred to the Committee on Printing.

JUNE 2, 1858.—Report in favor of printing submitted, considered, and agreed to.

*To the Senate of the United States :*

I transmit a report from the Secretary of State, with accompanying papers, in answer to the resolution of the Senate of the 22d instant, requesting information in regard to the seizure of the American vessel Panchita on the coast of Africa.

JAMES BUCHANAN.

WASHINGTON, May 29, 1858.

DEPARTMENT OF STATE,  
Washington, May 29, 1858.

The Secretary of State, to whom was referred the Senate's resolution of the 22d instant, requesting the President, "(if, in his opinion, not incompatible with the public interest,) to communicate to the Senate any correspondence that may have been held between this government and the government of England concerning the seizure on the coast of Africa, by the naval forces of the latter power, of the American vessel 'Panchita,' sent in charge of a British naval officer, after said seizure, to the port of New York; and if there be any further correspondence or documents received by the Executive concerning the visitation or search of American vessels in the Gulf of Mexico, or elsewhere, by foreign armed cruisers, since the message of the President, of the 19th of May instant, that he communicate the same to the Senate," has the honor to lay before the President the documents specified in the subjoined list.

Respectfully submitted.

LEWIS CASS.

The PRESIDENT.

*List of accompanying papers.*

Mr. Cass to Mr. Dallas, with accompaniments, August 22, 1857.  
 Mr. Dallas to Mr. Cass, with an accompaniment, September 21, 1857.  
 Same to same, with accompaniments, October 9, 1857.  
 Mr. Cass to Mr. Dallas, November 21, 1857.  
 Mr. Schell to Mr. Cass, with an accompaniment, May 19, 1858.  
 Mr. Austin to Mr. Cass, with an accompaniment, May 19, 1858.  
 Mr. Cass to Mr. Austin, May 19, 1858.  
 Mr. Schell to Mr. Cass, with accompaniments, May 20, 1858.  
 Mr. Austin to Mr. Cass, with an accompaniment, May 21, 1858.  
 Mr. Cass to Mr. Schell, May 22, 1858.  
 Same to Mr. Austin, May 22, 1858.  
 Same to Mr. Smart, May 22, 1858.  
 Same to Mr. Mason, May 22, 1858.  
 Same to Mr. Berry, May 22, 1858.  
 Mr. Schell to Mr. Cass, with an accompaniment, May 24, 1858.  
 Mr. Austin to same, May 25, 1858.  
 Mr. Cass to Mr. Hatch, May 25, 1858.  
 Mr. Mason to Mr. Cass, with an accompaniment, May 25, 1858.  
 Mr. Austin to same, May 25, 1858.  
 Same to same, with an accompaniment, May 26, 1858.  
 Mr. Clinch to same, with an accompaniment, May 27, 1858.

*Mr. Cass to Mr. Dallas.*

No. 77.]

DEPARTMENT OF STATE,  
 Washington, August 22, 1857.

SIR: The enclosed papers will give you an accurate statement of the circumstances under which the American barque "Panchita" was recently seized, on the coast of Africa, by a British ship-of-war, and sent into the port of New York.

It is unnecessary to inform you that these proceedings are wholly inconsistent with that perfect immunity from foreign interference, in time of peace, which this government has always asserted in behalf of merchant vessels of the United States. The claim of Great Britain to subject the trading ships of the world to the supervision and control of its own cruisers, by exercising an alleged right of visitation or search, has never been admitted on this side of the Atlantic, and cannot be regarded with indifference in its practical application to an American ship. In the case now presented to you, the "Panchita" is said to have been engaged in a traffic which has been denounced by the laws of the United States as piracy; but since the United States has both the will and the ability to enforce its own laws, and does not entrust its flag to the protection of other nations, this consideration, even if it should prove to be well founded, cannot be regarded as justifying the seizure.

You will, without delay, therefore, submit the subject to the consideration of her Majesty's principal secretary of state for foreign affairs, with an intimation of the importance which this government attaches to a disavowal of the conduct of the officer whose proceedings have led to this complaint. It is not believed that this disavowal will be withheld, but the circumstances may afford a proper occasion also to the British government to give such instructions to its naval commanders on the African coast as will prevent the recurrence of similar causes of complaint hereafter.

I am, sir, respectfully, your obedient servant,

LEWIS CASS.

GEORGE M. DALLAS, Esq., &c., &c., &c.

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*Mr. Cass to Mr. McKeon.*

DEPARTMENT OF STATE,  
Washington, July 15, 1857.

SIR: I enclose you a copy of a letter which has been addressed to this department by Messrs. Beebe, Dean & Donohue, respecting the seizure, by a British vessel-of-war, of the barque Panchita.

You will oblige me by communicating to me such circumstances connected with this seizure as may be necessary in order to form a correct judgment upon the whole matter.

I am, &c.,

LEWIS CASS.

JOHN McKEON, Esq.,  
District Attorney, New York.

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*Messrs. Beebe, Dean & Donohue to Mr. Cass.*

NEW YORK, July 9, 1857.

SIR: We desire to call the attention of the government of the United States to the seizure, by the captain and officers of the British sloop-of-war Sappho, on the coast of Africa, of the American barque Panchita, of this port.

The Panchita left New York in December last, and was, at the time of her seizure, engaged in a legitimate voyage. The owner of the Panchita is Mr. John P. Weeks, of this city, an American citizen; and we, in his behalf, respectfully ask that the government of the United States will inquire into the facts attending this seizure, and if, as we believe, it was wholly unauthorized, will demand full reparation of the British government.

Mr. Weeks, the captain, officers, and crew of the Panchita, will furnish sworn statements, and any proofs that may be required in the premises.

We send herewith affidavits, and will make any additional proof that may be necessary.

## SEIZURE OF BARQUE PANCHITA.

We think that the case is one in which our government should protest against this act, as a violation of our national rights.

Very respectfully, yours, &c.,

BEEBE, DEAN & DONOHUE.

Hon. LEWIS CASS,  
*Secretary of State.*

JULY 10.—In consequence of the refusal of Mr. McKeon and the marshal to allow Mr. Weeks to see his crew, further affidavits than those enclosed cannot be now sent, but will be forwarded as soon as the unwarrantable imprisonment of the crew ends.

B., D. & D.

*Mr. McKeon to Mr. Cass.*

SOUTHERN DISTRICT OF NEW YORK,  
U. S. DISTRICT ATTORNEY'S OFFICE,  
*New York, July 30, 1857.*

SIR: I have the honor to acknowledge the receipt of your letter, dated the 15th instant, containing a copy of a communication from Messrs. Beebe, Dean & Donohue, respecting the seizure of the barque "Panchita" by a British vessel-of-war, and requesting from me a statement of the circumstances connected with such seizure.

The barque "Panchita" was, in the month of October last, seized in this harbor on a charge of having been prepared for the purpose of carrying slaves from the coast of Africa, in violation of the laws of the United States. A libel was filed by me, as district attorney of the United States, on the 8th day of October, 1856, against the vessel and cargo. The vessel was claimed by Messrs. Wenburg & Weeks, of this city. The cargo was claimed by J. S. Ahea, (who transacted business for Reiss, of the firm of Figanière, Reiss & Co.;) also, by J. M. Ferreira, and by A. C. De Musquita, who claimed to be the charterer of the vessel. The case was heard before Judge Betts, who, at the December term of the district court, dismissed the libel, but ordered a certificate that there was probable cause for the seizure. This certificate was equivalent to a declaration that the evidence did not amount to sufficient for the condemnation of the vessel, but that the seizure was made under such circumstances as warranted suspicion and justified the seizure.

The grand jury of the district court of the United States for this district also ordered an indictment against Musquita, Wenburg & Weeks, and Naylor, who was captain of the vessel, for having prepared the vessel with intent to employ her in the slave trade. At the December term of the district court, three of these parties were tried, viz: Messrs. Musquita, Wenburg & Weeks, and acquitted by a petit jury.

After the vessel was released, and the parties acquitted, the "Panchita" left the port, with Captain Sladden as the master. I heard nothing of her movements until the day of her arrival in this port, in



charge of an officer and part of a crew of the British sloop-of-war "*Sappho*." The marshal of the United States for this district, on that day, showed me a letter from the surveyor's office respecting the arrival of the "*Panchita*," under the circumstances I have stated. Immediately, in company with the marshal, I visited the vessel lying at the quarantine stationed below this city. I there met Lieut. Odevaine, who stated to me that he had been directed to deliver the barque to the United States authorities. The marshal of the United States then took charge of the vessel. In their communication to you, Messrs. Beebe, Dean & Donohue complain of the conduct of myself and the marshal. I had been informed that a violation of the laws of the United States had taken place, and proceeded to the *Panchita* to make inquiries. When I reached the vessel, although I had lost no time, on hearing of her arrival, in boarding her, I found that the owner of the vessel had been already to the barque, had an interview with Captain Sladden, and taken papers from him. As I was not disposed to allow any further interference, (through an apprehension that, if any evidence of guilt existed, they might be destroyed,) I directed that no further communication should be had with the vessel, except to allow any party sick on board to be taken to the hospital.

Upon the investigations which had taken place in our courts in this city, it was, in my opinion, natural that the *Panchita* should have been watched on the coast of Africa. The suspicions against the vessel when she left this port were of the gravest character, and naturally exposed her to supervision. According to her manifest, when she was seized in New York, she had 77 empty casks, 27 barrels of rice, planks, hemlock, joists, and boards. All these could be used for innocent purposes, but they form also the elements of a slave voyage. When on the coast, the 11th of May last, she had 46 casks fresh water, 24 of brackish water, and 3 of salt water.

It is not my purpose to refer to the evidence on which the seizure was made on the coast of Africa. The vessel having been taken possession of by the marshal under my direction, a libel, a copy of which is enclosed, was filed on the 8th day of July instant, in the district court of the United States.

From an interview had with Lieutenant Odevaine, by whom the *Panchita* was brought to this port, I learn that the seizure took place in water about thirty miles up the Congo river, called Puente de Lenha, in Africa. It is a point within territory claimed by Portugal, but I believe her claim is contested by Great Britain. I am indebted also to Charles Edwards, esq., who is the counsel of the British consulate at this port, and for Lieutenant Odevaine, for copies of papers connected with the seizure, (which are herewith enclosed.) To them I beg leave to refer, as the foundation of the seizure in the Congo river.

Since the arrival of the *Panchita*, John P. Weeks, of this city, an American citizen, now claiming to be the sole owner of the vessel, has brought an action of trespass in the court of common pleas in this city, against Lieutenant Odevaine and Arthur J. Ireland, the latter being a surgeon in the British service, who came with the *Panchita*

to this port. These officers have been held to bail in the sum of \$15,000 in this action.

A motion was made to discharge the parties from bail. This motion was denied, without prejudice, to a motion to mitigate the amount on the value of the property seized. I enclose copies of the affidavits and papers used on this motion, together with the decision of Judge Ingraham, by whom it was denied. The State Department will observe that the legality of the seizure of the *Panchita* is before the federal and State judicial tribunals. In the case of the libel filed by me, I have stated the facts as I believed them to be: that Captain Moresby, commander of her Britannic Majesty's sloop-of-war "*Sappho*," seized the *Panchita* at a point within the dominions of a foreign power. The question is thereby presented, whether the seizure conferred jurisdiction. For it is a principle that our courts do not adjudicate directly upon the offence, but pronounce for or against the seizure alleged to be made for the offence.

The first impression of every American would naturally be against the right; but I find that our courts have acted on seizures similarly made for violation of the laws of the United States.

The case of the *Panchita* is not the first of a vessel seized for a violation of our laws by a British vessel-of-war. I respectfully beg leave to refer you to the case of the "*Catherine*," in the second volume of Paine's Circuit Court Reports, page 721. The case is that of the United State *vs.* Schooner "*Catherine*." On the trial it appeared that on the 13th of August, 1839, the British vessel-of-war called the *Dolphin*, commanded by Lieutenant Holland, was cruising off St. Paul's, on the coast of Africa. The *Dolphin* gave chase to a vessel which attempted to get away from her. The suspicious vessel hoisted American colors; had on board American papers, but she had no slaves. Nevertheless, the circumstances were so suspicious that she was seized, and sent to New York for adjudication. She was libelled in the district court, under the same law the *Panchita* is now libelled. The case was heard before the district court, and the libel dismissed. An appeal was taken by the district attorney, (Hon. B. F. Butler,) and, on a hearing before the late Judge Thompson, the decree of the district court was reversed, and the vessel condemned. The distinguished counsel (Messrs. Cutting and O'Conner) who appeared for the claimants of the vessel, seemed to have opinion that the jurisdiction of this court was unquestionable, for that point never was raised, as appears by the report.

The case of the "*Butterfly*," also referred to in the opinion of Judge Thompson, was that of an American vessel, sent in by a British cruiser for a violation.

In these cases every effort was made by able counsel to relieve the vessels from forfeiture, yet no question was raised as to the regularity of the seizure. When we take into consideration the judicial character of the late Judge Thompson, there can be but little doubt he would not have allowed such an important question of jurisdiction (if it had any force) to escape his investigation.

The Supreme Court of the United States have already decided that our courts have jurisdiction of cases of seizures of vessels made within

foreign territories for violation of our laws. During the past year the district court of the United States of this district affirmed its jurisdiction, on a seizure made at Port au Prince, Hayti, for a violation of our neutrality laws.

The doctrine settled by the courts is, that where an American vessel is employed under circumstances forfeiting her to the United States, then her title is "*ipso facto*" forfeited to the United States by the commission of the offence, and she may be reclaimed and taken anywhere and brought to the United States for adjudication. The violation of the national sovereignty is a question to be settled between the sovereign whose jurisdiction has been infringed upon and the assailing government. I refer you for this doctrine to the following decisions of the Supreme Court of the United States: The Richmond, 9 Cranch, 102; The Merino, 9 Wheaton, 391.

In the present instance, if Portugal has the right to the territory within which the seizure took place, she may have cause to complain against England for Captain Moresby's act, and the United States may have reclamation over against Portugal for not protecting the American flag, but as between the United States, the *seizer* and the *seized* property, the question is not the place of seizure, or the character of the power seizing, but only whether the facts can be construed as proving the forfeiture. Our acts of Congress denounce the penalty of seizure against our vessels employed in the slave trade. They also provide for one moiety of the vessel condemned to be paid to the United States, and the other to the party who shall sue for and prosecute the same to effect. The time and place of seizure, and the person who shall seize, are left undetermined, but the tribunal is designated as a court of the United States.

The case now presented is one of civil and admiralty jurisdiction. This jurisdiction extends to all tide waters, and the seizer had, in my judgment, a right to seize anywhere. He seizes for himself and for the United States. If the barque be condemned, he is entitled to one moiety, as the United States will be to the other. If he fail, he is in the same condition as any other party, and liable to respond in damages to the party aggrieved by his illegal acts.

A perusal of the libel will distinctly advise you of the acts of Congress charged to have been violated. If the facts to be proved maintain the libel, the vessel must be condemned. It is not necessary that the negroes should be on board to constitute the offence which forfeits the vessel. The libel plainly avers the place of seizure and the official position of Captain Moresby. If the claimants have any doubt on the subject of the legality of the seizure, it can be determined in court, upon a proper exception, and I am confident that a judicial decision on such a point would be far more satisfactory as a guide for the action of the government than the protest of counsel. It seems to me, that the claimants in this case having not only an opportunity to present their views in the district court of the United States, but also to enforce their rights, on the proceedings they themselves have taken in the State courts, against parties charged with trespassing upon their property, the aid of the executive government of the United States ought not to be invoked until decisions may be had in the judicial

tribunals of the country, before which the parties now are making their claims.

The seizure of an American vessel by a vessel-of-war of a foreign power is an act which is well calculated to arouse the sensitiveness of the American people; but I trust you will pardon me for suggesting that the right of seizure, permitted by and in execution of our acts of Congress, is widely different from the right of search of our vessels on the high seas by foreign cruisers for any purpose whatever. In the latter case, American citizens would be subjected to vexations and interruptions from parties claiming personal immunity under cover of orders from foreign governments, in whose employment they may profess to be. The nation would be constantly exposed to collisions. To oppose, at all hazards, this fancied right of search, under whatever guise it may appear, is the duty of the government of this Union. But we must not, at the same time, confound this right of search with the seizure and sending into our own ports for adjudication vessels suspected of violation of our own laws. Congress has held out to every individual, no matter what his nationality may be, a large pecuniary reward against our own shipping engaged in violation of our laws against the slave trade. These were intended to eradicate a traffic which has been denounced by our legislation, and for the suppression of which the Supreme Court of the United States has said, (5 Wheaton, 356,) "no vigilance can be excessive, and, in case of seizure of a vessel engaged, restitution should not be made but in cases which are purged of every intentional violation by proofs the most clear, the most explicit and unequivocal."

With great respect, I have the honor to remain your obedient servant,

JOHN McKEON,

*United States District Attorney.*

Hon. LEWIS CASS,

*Secretary of State United States, Washington, D. C.*

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*Mr. Dallas to Mr. Cass.*

No. 71.]

LEGATION OF THE UNITED STATES,  
*London, September 21, 1857.*

SIR: Your No. 76, [77,] respecting the search and seizure of the American barque Panchita, on the coast of Africa, by Commander Moresby, of the British sloop-of-war Sappho, in May last, was duly received; and, agreeably to its instructions, I prepared and transmitted to the Earl of Clarendon, her Majesty's principal secretary of state for foreign affairs, a communication, of which a copy is annexed.

The pressure of business more peremptory and absorbing may possibly postpone for a month or two, though I hope otherwise, any reply from Lord Clarendon; but, of course, as soon as received, it will be transmitted to the department.

I have the honor to be, sir, your most obedient servant,

G. M. DALLAS.

Hon. LEWIS CASS,

*Secretary of State.*



*Mr. Dallas to the Earl of Clarendon.*

LEGATION OF THE UNITED STATES,  
*London, September 16, 1857.*

MY LORD: It has been made my duty to call to the notice of her Majesty's government certain proceedings of Commander Fairfax Moresby, of the royal navy, on the western coast of Africa, in the early part of May last, and to avert, if possible, any unfavorable influence which those proceedings might have upon the relations of the two countries, by inviting from your lordship such early and distinct disclaimer and assurance as may be esteemed adequate. No doubt is entertained that the acts of Commander Moresby were unauthorized; that, however plausibly pursued, they were the suggestions of his own discretion, not of his official instructions; and that all danger of their repetition will be promptly removed.

The barque Panchita, Frederick B. Sladden master, owned by citizens of New York, with an American register, and trading under the flag of the United States, was, on the 9th May, 1857, lying at Ponta de Lenha. At the same date, in the river Congo, was her Majesty's sloop Sappho, commanded by Commander Moresby, one of the British squadron then stationed off the African coast to prevent the traffic in slaves. The Panchita had, in some manner, awakened suspicions as to her objects in the mind of Commander Moresby, who, (agreeably to his own narrative,) with "*the pinnace and gig*" of his armed vessel, proceeded to Ponta de Lenha "*for the purpose of examining*" her. Meeting Captain Sladden, Commander Moresby "*expressed*" to him "*a wish to muster his crew,*" and "*no objection being made,*" went, accompanied "*by Mr. Frederick Wells, master of her Majesty's sloop under his command,*" "*on board the Panchita,*" mustered the crew, asked and was refused permission to look into the holds, became confirmed in his "*opinion*" of her being "*engaged in the illegal traffic of slaves,*" and was thus "*induced to inform*" Captain Sladden that he should "*detain him*" with a view to give him over to the first American man-of-war he could meet. Finally, the "*suspicious*" of Commander Moresby being, "*by the vast quantity of fresh water*" aboard, "*still further corroborated,*" he took "*upon himself the great responsibility of sending*" the barque to New York, "*for the decision of the United States authorities,*" detailing for that purpose Lieutenant C. D. T. Odevaine, with a party of seaman, and giving special and prudent directions for their conduct.

It may be added, that the Panchita duly arrived at New York, was transferred to the custody of the marshal of the United States for that district, and was libelled in the proper court of civil and admiralty jurisdiction as a forfeiture. The question whether or not her voyage was, either in fact or intention, connected with the traffic in slaves will ultimately be determined in that still pending judicial proceeding; but its decision, one way or the other, can have no bearing on the violation of sovereign right now brought to your lordship's attention.

This statement of Commander Moresby's conduct is made, as already

intimated, almost exclusively in his own words; nor is it deemed necessary to the design of the present communication that the striking discrepancies of detail between his statement and that of Captain Sladden should be drawn into relief by comment. They illustrate, it is true, the conflicts to which a course of action, like that of Commander Moresby, necessarily leads; so liable to exasperate popular sensibilities on either side, and, in the end, to endanger the friendship and peace of nations. But I am unwilling to mix with the public aspect of the subject the coloring of individual imputation.

The Earl of Clarendon will, then, perceive that Commander Moresby, on the occasion described, impelled by "suspicion," actually effected a visitation, search, and seizure of the *Panchita*; that he knew her to be an American vessel; that, for predetermined "examination," he went to her, accompanied by a show of force, viz: the master of the *Sappho* and two boats' crews from his sloop-of-war; and that, excited by discovering what he construed to be badges of a criminal employment, he assumed the responsibility of disregarding the flag she bore, and of wresting her from the control and possession of her American captain.

Against each leading feature characterizing this transaction—the visit, the search, the seizure—the government of the United States has uniformly, on all appropriate opportunities, for more than fifty years, openly and effectually protested, as inconsistent with the laws of nations, sanctioned by no treaty, subversive of the separate rights, and derogatory to the honor of independent communities.

It was not the exercise of any fancied privilege of war, for profound peace prevailed; and yet, without the pretence of belligerent necessity, in respect to contraband or blockade, the property and citizens of a friendly power were invaded and arrested, and the protecting presence of their national symbol irreverently slighted.

The flag of the United States has a meaning which should not be hastily overlooked. Like that of Great Britain, or any other civilized country, no matter how distant the sea or humble the *lorcha* on which it floats, it implies a pledge of a nation's power and honor to shelter what is beneath it from invasion or wrong. All flags are but hoisted emblems asserting the national presence and jurisdiction. Commander Moresby, even while recognizing the genuineness of the *Panchita's* flag, failed to appreciate its real dignity and inviolability.

The reasons assigned for this extraordinary proceeding are certainly as distinctly confessed as they are frivolous. They are found in the report of Commander Moresby to his superior officer, Commodore John Adams, of her Majesty's ship *Scourge*, dated the 15th May, 1857. They do not call for much elaboration of analysis or remark.

Commander Moresby "suspected"—say confidently believed—that the *Panchita* was engaged in the illegal traffic of slaves.

I need not remind your lordship that since the United States led the way, by their federal legislation, to the abolition and penal proscription of the African slave trade, they have manifested in every manner deemed compatible with their fundamental institutions, the fixed opinions of their people, and considerations of the highest moment, the utmost determination and sincerity in carrying out that

policy of philanthropy and justice. But the United States, although they went far, stopped at the line which the reckless zeal of Commander Moresby overleaped.

Though often persuaded, they have invariably declined to concede to any nation, upon any terms, for any object, a right irreconcilable with the perfect immunity of their mercantile marine from foreign interference. Without their previously obtained consent, no visit or search, nor seizure, of an American vessel can take place, except with defiance and insult to their flag. The convention of the 9th of August, 1842, signed at Washington by its negotiators, Mr. Webster and Lord Ashburton, with the principles and provisions of which your lordship is familiar, arranged for a small squadron of the United States navy on the coast of Africa, in order, first, that their public force might co-operate with that of her Majesty in extinguishing the slave trade; and, secondly, that their merchant vessels, if "suspected," or even flagrantly guilty, should, nevertheless, be liable to visitation or search and seizure by the officers and seamen of their own country only. Eagerly, even at great cost, as the suppression of the noxious traffic might be sought, it was still not an aim to which the United States would consent to sacrifice the more dearly valued exemption of their own citizens from coercion by strangers. I may be pardoned for here advertng to the language used, on this very topic, by one of the brightest and most authoritative ornaments of English judicature: "No one nation has a right to force its way to the liberation of Africa by trampling on the independence of other States, or to press forward to a great principle by breaking through other great principles that stand in the way. The right of visitation and search on the high seas does not exist in time of peace. If it belongs to one nation it equally belongs to all, and would lead to gigantic mischief and universal war."

It is hardly worth adding, that the mere suspicion or belief of Commander Moresby of the illegal occupation of the Panchita cannot be accepted as the slightest possible basis for his proceeding, when the open avowal or the living proof of the supposed fact of guilt is not itself admitted, by compact between the two nations, to be a justification of search or seizure.

Some difficulty is naturally felt in advertng to the remaining reasons with the respect due to an officer honored in the possession of the queen's commission; but I feel assured that Lord Clarendon will understand me as only desirous to bring out the true lineaments of the transaction. Commander Moresby informs Commodore Adams that, in sending the Panchita across the Atlantic, in charge of his lieutenant, to New York, he was "incited by the unfortunate fact of the total absence of anything like an American naval authority, and that, in consequence, the Panchita's detention may be prolonged to an indefinite period." It would, perhaps, be harsh and invidious to scan too closely the statement that the sending the vessel to New York was regarded as *the* step which involved him in his alleged "great responsibility." In the chain of his acts, that one is the only link not liable to objection, at least on the part of the United States. The American government is outraged, not by the subsequent misgivings

and politic device of a reference to its own tribunals, but by the violation of its flag at the outset, the unwarranted intermeddling with the property and persons of its citizens, the "examination" and "detention."

Actual trial for a number of years has perhaps demonstrated the inadequacy of the squadrons on the western coast of Africa to accomplish the great end contemplated by their respective governments. The vessels are probably too few; necessarily distant from each other, and occasionally disabled by the diseases incident to climate, or the disasters of weather. They certainly cannot be ubiquitous; and yet, without that attribute, they are no match for the wary and covetous slave traders on that extensive shore. Such difficulties, if remediable at all, are to be remedied, not at the discretion of any one or all of the naval agents in both services, but by the concurring action of the two governments. Commander Moresby alleges "the total absence of anything like an American authority;" but such absence (in one aspect rather fortunate than otherwise) justified, as regards the flag of the United States, and the lives and property over which it waved, no arbitrary substitution of himself in the stead of the American absentee, for the purposes of visitation and search. An American authority might, very possibly, upon receiving from Commander Moresby a revelation of his "suspicion" of the *Panchita*, have done precisely what Commander Moresby did; but Commander Moresby could, under no circumstances or pretext whatever, do it, without usurping a supervisory function not only not confided, but expressly forbidden to him.

It would seem as if the imposed restraints and the purposed omissions of the treaty of 1842 were not in harmony with the speculative opinions, and chafed the eager spirit of this subordinate officer. He entertained "a firm conviction that if *some steps be not taken*, there is nothing whatever to prevent the American flag from sanctioning any vessel openly to the eyes of the world equipping and trading with slaves in any part of the African coast," and he proceeded to take the reformatory steps of visitation and seizure of the *Panchita*. This may be one mode by which the gordian knot of the "consuetudinary law of nations," "great principles that stand in the way," and even precise conventional stipulations, can be cut; but Commander Moresby has to learn from your lordship that it is an absurd and indefensible mode. It is absurd, as having a tendency to alienate and detach from the united undertaking a powerful people who first legislated to abolish the trade; who first, by municipal enactment, made that trade punishable as piracy, and whose armed force has been perseveringly stationed to watch and prevent it. It is indefensible, as placing the matured policy and peace of nations at the mercy of their rash and presumptuous servants, and as "leading to gigantic mischief and universal war."

It would be unjust to ascribe to Commander Moresby the mistaken impression, that because the criminal code of the United States denounced as piracy the traffic of which he suspected the *Panchita* to be guilty, he was therefore at liberty to search and seize that vessel and her crew as "enemies of the human race." He puts forward no such erroneous reason for his conduct. Ignorance of the wide dis-



inction between the law of all nations and the municipal law of a single one, cannot fairly be attributed to him or to any British officer. The protection or rescue of the American flag from prostitution to illegal aims still rests exclusively with the American government and people, whose will and ability to enforce their own statutes cannot, or need not, be questioned. On one or more occasions the Secretary of State, by direction of the President, both of them ardently disposed to combined movement against the trade, and stimulated by a resolution of the House of Representatives, proposed to her Majesty's government a scheme for the extirpation of that condemned commerce, to be incorporated by universal consent into the law of nations, and involving mutual concessions of the right of search. The discussions, perplexities and obstacles encountered by that proposition need not be recalled; it is enough to say that its ultimate failure left the law of nations, which it was designed to modify, on the point referred to, unaltered.

I trust that I am not too sanguine, when anticipating that her Majesty's government, aware how occurrences such as the one on which I have thus animadverted grate upon the noblest sentiments of an independent people, and how rapidly they become unmanageable causes of estrangement and quarrel, will promptly mark the act of Commander Moresby with just reproof, and otherwise render its repetition extremely improbable.

Copies of the documents transmitted to me from Washington, and which have been observed upon, accompany this communication.

Renewing the assurance of my highest consideration, I have the honor to be, my lord, your lordship's most obedient servant,

G. M. DALLAS.

The right honorable THE EARL OF CLARENDON,

etc., etc., etc.

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*Mr. Dallas to Mr. Cass.*

No. 75.]

LEGATION OF THE UNITED STATES,

London, October 9, 1857.

SIR: At about 11 o'clock last night I received the communication from her Majesty's principal secretary of state for foreign affairs, which, with its various annexes, I transmit in copy. It is in answer to my letter of the 16th\* ultimo, respecting Commander Moresby's proceedings in the visitation, search and seizure of the Panchita.

Too little time is left me to do more than make a few brief remarks upon these papers.

1. The particular case would seem to be satisfactorily disposed of. Commander Moresby's conduct is disclaimed and censured; he is withdrawn from the station as unfit to be trusted there; and express orders are alleged to have been given by the admiralty, which must prevent the repetition of such acts.

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\*This date was in the copy transmitted with my despatch No. 71, inadvertently made the 11th.

2. It is observable that the disavowal and condemnation of Commander Moresby's proceeding are, with great reserve, founded exclusively upon the stipulations of the treaty of 1842. Except as inconsistent with the engagements of that treaty, his insult to the national flag, his search and seizure upon mere suspicion, might have been unproved. You will pardon me for suggesting that, while this pretention of a right to supervise and reform the commercial pursuits of other countries, by the means of visit and search, is thus covertly maintained against the frank remonstrance of the government of the United States, it may be doubted whether it be consistent with the national dignity to prolong the exceptional compact under whose express terms alone an immunity is recognized.

3. The grumbling efforts of the lords commissioners of the admiralty to insinuate fault in the American squadron on the coast of Africa, and to extenuate Commander Moresby's violation of public law, and of his own orders, by attributing it in a measure to "galled feelings," are so wholly foreign to the point drawn to the notice of the British government that it is really difficult, if not impossible, to repress the smile which their misplaced awkwardness provokes.

The tenor of your instruction on this subject in your No. 77 would seem to contemplate my seeking nothing more than what has been obtained, namely, disclaimer and prohibitory orders. I shall therefore not pursue the matter further until you advise me otherwise; and, in case that be intended, you will much oblige me by obtaining for me, if possible, such facts from the Department of the Navy as may enable me to vindicate the activity and faithfulness of our African squadron.

I have the honor to be, sir, your most obedient servant,

G. M. DALLAS.

Hon. LEWIS CASS,  
*Secretary of State.*

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*The Earl of Clarendon to Mr. Dallas.*

FOREIGN OFFICE, October 8, 1857.

SIR: I have the honor to acknowledge the receipt of your letter of the 16th ultimo, respecting the proceedings of Commander Moresby, of her Majesty's ship "Sappho," in detaining on the coast of Africa, and eventually sending to New York, the American barque "Panchita," on the ground that she was engaged in the slave trade.

I feel that I can return no more satisfactory answer to your representation on this matter than by communicating to you, for the information of the government of the United States, a copy of the reply which I have received from the board of admiralty to the reference which I made to them on the receipt of your letter; from which you will perceive that the lords commissioners of the admiralty have highly disapproved the conduct of Commander Moresby, and have directed that he should be removed from the station where he might again have to deal with vessels suspected of being engaged in the slave trade.

There can be no doubt that the detention of the "Panchita," and

the sending her to New York, constituted an infraction of the treaty between Great Britain and the United States; but the view which the British admiral on the station has taken of Commander Moresby's proceedings in this case, and the terms in which the displeasure of the lords of the admiralty have been conveyed to that officer, will, I feel assured, be satisfactory to the government of the United States.

But I feel equally assured that great allowance will be made by the government of the United States for officers charged with the suppression of the slave trade, who are compelled to witness the frequent and unchecked abuse of the American flag in the prosecution of that trade, and who see that, under the protection of that flag, and in consequence of no American ship-of-war having for nearly a twelvemonth appeared on the station, the nefarious traffic is now carried on in the most open and daring manner, and with a constantly increasing activity.

In corroboration of what I have stated above, I beg leave to transmit copies of a despatch and its enclosures received at the admiralty from Rear Admiral Sir Frederick Grey, the officer commanding her Majesty's naval forces on the west coast of Africa, which contain the most recent information upon the subject which has reached her Majesty's government.

I have the honor, &c.,

CLARENDON.

G. M. DALLAS, Esq., &c., &c., &c.

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*Mr. Osborne to Mr. Hammond.*

ADMIRALTY, October 1, 1857.

SIR: I have received and laid before my lords commissioners of the admiralty your letter of the 21st September, enclosing the copy of a note from Mr. Dallas, the United States minister at this court, to the Earl of Clarendon, remonstrating against the conduct of Commander Moresby, of her Majesty's sloop "Sappho," in searching, detaining, and sending to New York, for trial as a slaver, the United States barque the "Panchita."

My lords have been aware of this transaction some time ago, but owing to some delay in the communication, arising from the movements of the vessels on the coast of Africa station, it is only recently that they have received the report of it from Commodore Adams.

My lords enclose, for Lord Clarendon's information, a copy of the letter from Commodore Adams, which contains that report, as well as his opinion of Commander Moresby's conduct.

Their lordships had thought it right to abstain from taking any notice of this transaction until they received the report of Commodore Adams; but on the receipt of it they have communicated to Rear Admiral Sir Frederick Grey, the commander-in-chief on the African station, the expression of their deep regret that any officer should have acted in a manner contrary to the stipulations of the treaty with the United States, to the express and well known orders of the admi-

rally on the subject, and to the opinion of the senior officer on the station, conveyed to him only a short time previously.

My lords are of opinion that Commander Moresby has, by his conduct on this occasion, shown himself unfitted to be trusted with the important but delicate duty of acting for the suppression of the slave trade, and they have desired Sir Frederick Grey to convey to him the view which my lords take of his proceedings, with the expression of their displeasure, and they have directed Commander Moresby to be removed from the station where he might again have to deal with vessels suspected of being engaged in the slave trade.

Whilst, however, my lords so strongly condemn the conduct of Commander Moresby, they cannot but think that some allowance should be made for the feeling by which, they have no doubt, he has been actuated. It is notorious that, however much it may be against the wishes and intentions of the government of the United States, the flag of that country is used largely to protect vessels engaged in the slave trade, and the almost total absence of any cruisers of the United States on the coast of Africa affords to such vessels the most complete impunity.

Commodore Adams reported, towards the end of May, that no United States ship-of-war had been fallen in with by any of our cruisers since November last, and similar reports have been received from other sources. Whilst, therefore, my lords have expressed their entire disapprobation of Commander Moresby's conduct, they trust that Lord Clarendon will feel how galling it must be to the officers employed in the suppression of the slave trade to see their best efforts for putting down that nefarious traffic entirely set at nought by the abuse of the United States flag, which, however much it is disapproved of by the government of that country, is, from the want of adequate means of repression, practically unchecked.

I am, &c., &c.,

B. OSBORNE.

E. HAMMOND, Esq.

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*Mr. Adams to the Secretary of the Admiralty.*

No. 141.]

SCOURGE, AT SEA, *June 22, 1857.*

SIR: I request you will lay before the lord's commissioners of the admiralty the accompanying letter, with its enclosure, from Commander Moresby, of the "*Sappho*," reporting that, under the suspicious circumstances attending the American barque "*Panchita*," (previously reported to their lordships in my despatches Nos. 109 and 116 of this year,) he had detained that vessel and despatched her, in charge of Lieutenant C. D. J. Odevaine, to New York, for the decision of the United States government.

2. Commander Moresby, aware, apparently, of having exceeded his duty and incurred a very heavy responsibility by an infraction of the stipulations of the anti-slave trade treaty existing between Great Britain and the United States, solicits my approval and support in moving their lordships to countenance the step he has taken; but I



regret that I can neither approve of what he has done nor appeal to their lordships in his favor, as the extreme measure which he has pursued is not only the exact opposite of what I should have myself adopted, but contrary to the express opinion which I gave him personally only a few days previously to her detention, putting on one side its being so open a breach of the treaty which we have with America.

3. I can only say that I believe Commander Moresby to have been actuated by an over-zealous desire to prevent the slave trade from being carried on under the American flag and in American bottoms; but zeal does not, in my opinion, justify him in having acted as he has done.

I have, &c.,

J. ADAMS,  
*Commodore 2d Class.*

The SECRETARY TO THE ADMIRALTY, &c.

*Rear Admiral Grey to the Secretary to the Admiralty.*

No. 41.]

CASTOR, AT ASCENSION,  
*August 14, 1857.*

SIR: I enclose, for the information of the lords commissioners of the admiralty, a statement obtained by Lieutenant Pike, of her Majesty's vessel "Antelope," from the "Jupiter," captured by him on the 29th of June last, with 70 slaves on board, of the manner in which vessels are fitted out in the United States for the slave trade.

The "Wm. Clarke," mentioned in that statement, has been boarded by her Majesty's ship "Medusa," and though there was no doubt of her being intended for the slave trade, as she had American papers, she could not be detained.

All the circumstances, the master's name, nature of the crew, &c., &c., reported by the master of the "Jupiter," are confirmed by the reports of the boarding officers.

I would beg to call the attention of their lordships to the fraudulent manner in which the protection of the American flag is thus obtained, in the hope that some measures may be adopted to check a practice which makes all the efforts of her Majesty's cruisers for the suppression of the slave trade vain.

I find in an extract from an American paper the names of seven other vessels lately purchased for this trade, and among them that of the "Minnatoka," evidently the same vessel that touched at Natal on the 22d of June.

I have, &c.,

F. L. GREY,  
*Rear Admiral.*

The SECRETARY TO THE ADMIRALTY.

*Information relative to slaves.*

When an expedition to Africa is arranged in Havana, one of the principal shareholders, or an accredited agent provided with funds, goes to New Orleans, and puts himself in communication with Messrs. Goldenbon and Lespane, 75 Camp street, New Orleans, who are, in all cases, the agents for vessels fitting out for the slave trade.

They choose a master, and for this a naturalized citizen is always preferred to a native-born American. The master selects a vessel, and, being provided with money by the agent or owner, buys her and registers her in his own name as master and sole owner. The vessel is then fitted out with the assistance of the firm above named. About twenty-five or thirty water casks will be filled, the remainder will contain the rice, farina, and beans; a number of small breakers are also purchased, which, by cutting off both ends, make the slaves' mess tubs.

The shipping master is feed to provide a crew of Spaniards or Portuguese, whom he provides with American protections, though none of them answer to the appearance of the men themselves, being all purchased from men really Americans. These protections are sworn with the vessel's papers at the custom-house, and she is cleared as American. The owner or agent goes in the vessel as supercargo.

The "Jupiter" sailed from New Orleans as a fore-and-aft schooner, carrying her yards on deck. The owner, Don Gabriel Perez, was on board as supercargo. The orders were to touch nowhere but Teneriffe and Annobon. At Teneriffe she received her slave coppers, entered three more Spaniards, altered her rig, and bent a new suit of sails.

The manifest with which she cleared from New Orleans was for 25 water casks, 4,500 feet of lumber, and 28 barrels of whiskey.

From Teneriffe she proceeded to Okatoo, a few miles west of Cape St. Paul. On hoisting a white flag at the fore, a canoe came at once to them, and the owner sent on shore a letter, saying, twenty-five days from to-day I will return to this place for my orders.

This letter was conveyed by Lagoon to Whydah. She then went to Annobon, where they shifted the rice and beans from the water casks into bags, laid the slave deck, and filled up with water.

On the 25th day they returned to Okatoo, and, on hoisting the white flag, a canoe brought them a letter telling them, eight days from to-day the steamers are ordered to rendezvous at Lagos, and your cargo will be ready on that day a little below Great Ropoe, where you will see a Buenos Ayrean ensign hoisted. They had very correct information, for we were ordered to rendezvous at Lagos on the 26th of June. The place is called Praya Nood, and has only been lately built, expressly for shipping slaves; all the canoes are kept out of sight, at the back of a sand embankment. The only resident of any note at Okatoo is a man named Reynolds, a native of Acerci, supposed to be dealing in palm oil. All the letters brought to the schooner at Okatoo, though in Portuguese, were directed in English.

Three other vessels were fitting out at New Orleans for the coast under the same circumstances as the "Jupiter."

Once a brig called the "William Clark," owned by a very large and wealthy firm in Havana, was stopped by the custom-house, but it was confidently expected she would be released. Her orders and destination were the same as the "Jupiter's." She had a nominal master and owner, a man named "Francis Ranger," a native of Nova Scotia, but a naturalized American, a man who had never been at sea. Her crew were all Spaniards, and the ship was actually commanded by the Spanish supercargo.

A barque called the "Splendid" (master's name Rich) sailed a day or two before the Jupiter with the same orders, and for the same destination, but had not arrived at Teneriffe when the "Jupiter" left.

Both the "William Clark" and the "Splendid" were to bring money to pay for their slaves.

A brigantine was also fitted out by a Portuguese firm, her destination being the Bight of Benin, but he did not know her name.

We are informed by Mr. Lepalt, (Sardinian consul at St. Thomas,) that an American brig, called the "Nancy," fully equipped for the slave trade, had completed her water at St. Anna de Chanes, and sailed for the south coast a day or two before our arrival.

All the vessels above mentioned were to land their slaves at Porto Praya Keys, on the south side of Cuba, at which place, on hoisting the white flag, a pilot takes the vessel into the harbor, which is landlocked, and where they are out of sight.

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*Mr. Bowden to Mr. Adams.*

HER MAJESTY'S SHIP MEDUSA,  
Off Isle de Los, June 12, 1857.

SIR: In accordance with the regulations laid down in the book of instructions for the guidance of officers engaged in the suppression of the slave trade, I have the honor to make the following report relative to the boarding of the brigantine "William Clark," under the flag of the United States.

She was observed from this ship at daylight on the 6th June, standing, apparently, for the river Ponga. As she looked suspicious, I ordered steam to be got up, and weighed.

On observing us she kept away, standing to the southward, and set topmast and topgallant studding-sails. At noon I came up with her, and sent both lieutenants to board her. They found her to be the "William Clark," of New Orleans, apparently a sister vessel to the "Adams Gray," lately sent in as a prize by her Majesty's ship Prometheus.

They reported me that her American papers were in proper form; that she was eight days from Teneriffe, but had no clearance from that port; also, that there were four Spanish passengers on board, who, it was stated, were going to Fernando Po, but she had no list of passengers; that all the crew had the appearance of Spaniards; that her hatchways were larger than usual in vessels of her size, and that her coppers were suitable for a vessel about to carry slaves.

On the papers being produced, the captain showed evident uneasiness, prevaricating a great deal about his having no clearance and no list of passengers, but produced a clean bill of health from Teneriffe. The boarding officers asked him if he objected to remain here to whilst they communicated with me, to which he immediately assented.

I did not deem that his want of a clearance paper would justify my searching him.

I sent the officers back to ask him if he would lift his hatches, but on no account to search him if he refused, unless they could get stronger proof of his having no right to the American flag. This he refused to do; and there being no further proof against him, I felt obliged to let him proceed, although I had no doubt that the vessel had been sold, and that the Spaniards on board were, in reality, the proper officers of the ship, and that the United States flag was only used as a disguise in case of her being boarded by British cruisers. There was no complaint made by the master or any person on board the vessel.

I have, &c.,

J. BOWDEN,  
Commander.

Commodore ADAMS,  
&c., &c., &c.

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*Mr. Cass to Mr. Dallas.*

No. 85.]

DEPARTMENT OF STATE,  
*Washington, November 21, 1857.*

SIR: Your No. 75, with a copy of Lord Clarendon's reply to your letter of September 16, respecting the proceedings of Commander Moresby, of her Majesty's ship "Sappho," in detaining on the coast of Africa and eventually sending to New York the American barque "Panchita," on the ground that she was engaged in the slave trade, has been received. There "can be no doubt," as his lordship remarks, "that the detention of the 'Panchita' and the sending her to New York constituted an infraction of the treaty between Great Britain and the United States;" but it is none the less true, also, as you were instructed in August last, that "these proceedings are wholly inconsistent with that perfect immunity from foreign interference, in time of peace, which this government has always asserted in behalf of merchant vessels of the United States."

It was with special reference to this immunity, you are aware, that the President caused the subject to be brought to the attention of her Majesty's government; and entertaining this view of it, he is highly gratified to learn that Commander Moresby's conduct has been disclaimed and censured, and that measures have been taken by the admiralty to prevent its repetition.

You will take care to make known to her Majesty's government this expression of the President's satisfaction.

I am, sir, respectfully, your obedient servant,

LEWIS CASS.

GEORGE M. DALLAS, Esq., &c., &c., &c.



*Mr. Schell to Mr. Cass.*

CUSTOM-HOUSE, NEW YORK,  
Collector's Office, May 19, 1858.

SIR: I have the honor to acknowledge the receipt of your letter of the 18th instant, and, in partial compliance with its request, am enabled to transmit to you by this mail a statement, under oath, from Captain Albert Gage, of the American barque "W. H. Chandler," touching the circumstances attending the boarding of his vessel by a British naval officer, on the 2d instant, at Sagua la Grande, Cuba.

I am in progress of obtaining the further information suggested in your letter, and am, with high respect, your obedient servant,

AUGUSTUS SCHELL, *Collector.*

Hon. LEWIS CASS,

*Secretary of State, Washington, D. C.*

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*Statement made by Albert Gage, master of the barque William H. Chandler, of the boarding of said vessel by a boat from the British war steamer Styx, whilst lying in the harbor of Sagua la Grande, on Sunday the 2d day of May, 1858.*

I, Albert Gage, do state that I am the master of the barque William H. Chandler; that I sailed with said barque from New York, for Sagua la Grande, on the 11th day of March last, with a cargo of cooperage, both under and on the deck; that I arrived at said port of Sagua la Grande on the 30th day of said month of March last; that I discharged my cargo within twenty days after my arrival; that I was taking in a return cargo of sugar for New York, and that the lading of the same was nearly completed on the 2d day of May instant. That on that day, after sundown, and about half-past six o'clock in the afternoon, a boat, under sail, with English rig, came alongside, manned by twelve or fifteen persons, and commanded by an officer in English uniform; that the officer climbed up the side of the vessel, and was followed by half a dozen men. They had no arms upon their persons, but had arms in the boat. He did this without hailing the barque, or showing any flag; and as he was ascending the side of the vessel the mate told him he would find him an accommodation ladder on the other side. He replied, "Never mind." As soon as the officer got on deck, he inquired of the mate if he, the mate, was captain of the barque? He replied, "No; the captain is aft." The officer then came up to me, and said: "How do you do, captain?" at the same time raising his cap, and asked me for the use of a light. I told him, certainly. I then walked below into the cabin, and the officer followed me. After he got below, he asked the vessel's name and my name, where she belonged, and who were the owners. I asked him his object in making the inquiries. He replied that he was bound home, and wanted a report of all vessels lying in the harbor, and then proceeded to ask me questions: Where I was from. I answered him, from New York. What I was loaded with. I answered,

sugar. Where I was bound. I answered, to New York. My consignee's name in New York. I answered, I had none, but consigned the vessel to myself. He then asked where the vessel belonged. I told him, Providence, Rhode Island. He then asked if I was under the American flag. I answered that I was; that Rhode Island was in the United States when I sailed from New York. How many days I was from New York. I answered, about thirty-four days. He then wanted my ship's papers. I told him they were deposited with the American consul, on shore. He wanted to know if it was necessary to deposit the clearance from the last port with the consul. I told him, no; I had the clearance. He then asked me if I would allow him to look at it. I did allow him to look at it. He examined, and said he thought it was not legal; it was different from any one he had seen. I told him he was mistaken; that I got it from the custom-house in New York, and asked him what there was about it that was not legal. He said there was no naval officer's signature. I took it from him and showed him the initials from the naval officer, and informed him I supposed that answered all purposes. He said the name should be in full. I told him I knew nothing in regard to that. He turned it over and examined it more particularly, and seeing the consul's rule printed on the back, he said it was different from any he had seen before, and then handed it back to me.

He entered all the several answers in a memorandum book which he had. He then inquired when I was going to sea. I told him on Tuesday morning following. He asked me if I was positive of getting away on Tuesday. I told him I should, provided I could clear in time. He then asked me for a drink of water, and I offered him a glass of gin, which he accepted. We then went on deck, and he asked me the direction I intended to go out. I showed him, by pointing to the passage through which I came into the harbor. I then asked him where his vessel was. He pointed then to the direction where she lay; she was not in sight, being behind the Key Christo, a small island in the harbor. He said it was in a different direction from the one in which vessels usually came into the harbor. He then went over the port of the vessel. Upon my ordering his men to be called, he said "never mind, I will call them myself." He went on the main deck; and as he went by the forward house, he made a halt, and looked inside, (the door being open;) that contained twelve hogsheads of sugar. He then continued forward, and said "come, boys, man the boat." The officer and men then proceeded to get into the boat. I returned to the cabin, and discovered that he had left his book lying on the table. I called the mate, and ordered him to pass the book into the boat, which he did, and the boat shoved off. Nothing was said on his departure. I was subsequently informed by the mate that the officer was the second lieutenant of the British war steamer Styx. I was subsequently informed that the men had said the officer was the second lieutenant of the British war steamer Styx, and that the men were from the same vessel.

ALBERT GAGE.

Sworn before me, this 19th day of May, 1858.

JAMES T. GRISWOLD,  
*Notary Public.*

*Mr. Austin to Mr. Cass.*

CUSTOM-HOUSE, BOSTON,  
*Collector's Office, May 19, 1858.*

SIR: I have the honor to enclose the statement of Captain Bray, master of the brig "Robert Wing," as by request of your letter of the 15th instant.

Very respectfully, your obedient servant,  
ARTHUR W. AUSTIN,  
*Collector.*

Hon. LEWIS CASS,  
*Secretary of State, Washington, D. C.*

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CUSTOM-HOUSE, BOSTON, *May 19, 1858.*

I, Reuben Bray, master of the brig "Robert Wing," an American vessel belonging to Boston, Massachusetts, do solemnly depose and swear, that, on the 29th of April, 1858, while passing the island of Inagua, bound from Aux Cayes, St. Domingo, to Boston, loaded with coffee, logwood, and honey, a gun was fired from a vessel some five miles distant. I paid no attention to it, but tacked ship and stood in toward the island. A pilot came on board, supposing that we were going into harbor. He told us the firing was from an English gun-brig. We then tacked and stood on our course. Another gun was then fired. We then hoisted our colors, and stood for the gun-brig. When about a half a mile distant we were met by a boat and boarded. The officer asked us the name of vessel, master, where from, where bound, and what our cargo was, all civil and polite, and then left us. The guns fired were without balls, as I believe.

REUBEN BRAY.

SUFFOLK, ss.

Then the above named Reuben Bray appeared before me and took oath to the statement by him subscribed.

J. C. LOVEJOY,  
*Justice of the Peace.*

MAY 19, 1858.

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*Mr. Cass to Mr. Austin.*

DEPARTMENT OF STATE,  
*Washington, May 19, 1858.*

SIR: Your attention is invited to an article which recently appeared in the "Boston Advertiser." The article relates to the bringing to and boarding of the American barque Clara Windsor by the British war steamer Forward on the 19th of February last.

I will thank you to procure from the captain of the Clara Windsor his statement of the circumstances, under oath, and transmit it to me.

I am, &c.,

LEWIS CASS.

ARTHUR W. AUSTIN, Esq.,  
*Collector of the Customs, Boston, Mass.*

*Mr. Schell to Mr. Cass.*

CUSTOM-HOUSE, NEW YORK,  
*Collector's Office, May 20, 1858.*

SIR: In pursuance of your letter of the 18th instant, I have the honor herewith to transmit to you an authenticated statement made by Captain Edward Rawley, of the brig Martha Gilchrist, of the facts relating to the boarding of that vessel by an officer from a British war steamer, in the harbor of Sagua la Grande, Cuba.

In addition, I also forward herewith an authenticated statement made by Captain Edward Watts, master of the American brig C. F. O'Brien, relative to the boarding of his vessel in the same harbor, under similar circumstances.

I have the honor to be your obedient servant,

AUGUSTUS SCHELL.

Hon. LEWIS CASS,

*Secretary of State, Washington, D. C.*

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*Statement made by Edward Rawley, master of the brig Martha Gilchrist, of the facts relating to the boarding of said brig by an officer from a British war steamer, supposed to have been the Styx.*

I, Edward Rawley, master of the brig "Martha Gilchrist," do state that I sailed from New York, on the 12th day of March last, for Sagua la Grande, Cuba, with cooperage cargo, and arrived there on the 29th day of March last; that I discharged the outward cargo, and took in a cargo of sugar and molasses; that on the 2d day of May, instant, about sunset, whilst lying at anchor in the harbor of Sagua la Grande, a sail boat came alongside of the brig Martha Gilchrist, containing an officer in British uniform and ten or twelve men; she was well armed and without a flag; that immediately after coming alongside of the brig, the officer, without hailing or asking questions, came on board of the brig, and inquired for the master. He was directed to me, and came where I was. He then asked where I was from; I answered, from New York. He asked for the vessel's papers; I told him they were on shore, at the consul's office. He asked for my clearance from New York, and I did not show it to him. He noted the information given him in his memorandum book. He inquired the course of leeward passage out of the harbor, which I informed him of. I asked him who he was; he said he was an English steam cruiser. When the officer boarded the vessel, seven or eight of his men came with him without arms. They assumed the right to examine the brig, and I did not interpose any objection to their proceeding.

EDWARD RAWLEY.

Sworn before me, this 19th day of May, 1858.

JAMES T. GRISWOLD, [L. s.]  
*Notary Public.*



*Statement of Edward Watts, master of the American brig "C. F. O'Brien," relative to the boarding of his vessel while lying at anchor in the port of Sagua la Grande, on Sunday, 2d of May, 1858, by an English naval officer, supposed to belong to the British war steamer "Styx."*

On the afternoon of Sunday, May 2, while lying at anchor in the port of Sagua la Grande, between four and five o'clock, I saw a boat coming towards me, filled with men. As she neared me, I perceived that she contained one English naval officer and ten or twelve men. In a few minutes after I first saw the boat, she got alongside of my vessel and made fast to her. Immediately thereafter the officer in command of the boat ascended the gangway and came on board my vessel, without any invitation whatever from me, and without having spoken to me or any one on board. At the time he came on board I was standing near the gangway. As soon as he had reached the deck he asked me if I was master of the vessel, and if my colors were set. To which I replied, I was the master of the vessel, and my colors were not set. I then walked aft and went down into my cabin, to which place I was followed by the officer, without having given him any invitation.

After we reached the cabin, he asked me where I was from, how long out, how many men I had, and whether I carried any guns. To which I replied, I was from Havana; had left there about eighteen days before; had nine men, all told, and carried no guns. He then wanted to know who were my owners, what I was loaded with, and where I was bound. I told him I was owned by Burgess & O'Brien and others, of Thomaston, Maine; was loaded with sugar and molasses, and was bound for New York; that I did not know who I would be consigned to, as I had not yet signed bills of lading. He then said, cannot you guess who you will be consigned to; and I said it would not do any good to guess. He then asked me to show him my consul's certificate, (as he called it, I presume he meant clearance;) and I told him all my papers were on shore, either at the consul's or with the custom-house officer who boarded me at the point.

As the officer was about leaving the cabin, I asked him if he would take a glass of gin, and he did so.

We then went on deck, and when we got there I saw that about 5 or 6 men from his boat were also on board my vessel. As soon as we reached the deck the officer asked me if my hold was full of sugar, and I told him yes. He then said, can't I get down into the hold? and I told him he could not without a great deal of trouble, as my hatches were battened down. He then said, never mind, you need not open the hatches.

He then asked me where my flag was, and why it was not set; and I told him in the cabin, and it was not set because it was blowing too fresh, and asked him if he wanted it set. He said no.

He then went into his boat, accompanied by his men, and pulled away from me. There was quite a large quantity of arms—pistols—in

his boat. The officer was not armed when he boarded me, but I saw his arms lying in the boat.

EDWARD WATTS.

SOUTHERN DISTRICT OF NEW YORK, ss.

Edward Watts, being duly sworn, says, he has heard read the foregoing statement by him subscribed, and that the same is true in every particular.

EDWARD WATTS.

Sworn and subscribed, this 20th day of April, 1858, before me.

SAMUEL GODWIN, [L. s.]  
Notary Public.

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*Mr. Austin to Mr. Cass.*

CUSTOM-HOUSE, BOSTON,  
*Collector's Office, May 21, 1858.*

SIR: I have the honor to transmit the statement of the master of the brig "Wingold," C. H. Loring, taken according to your request in your letter of the 18th instant.

Very respectfully, your obedient servant,

ARTHUR W. AUSTIN, *Collector.*

Hon. LEWIS CASS,

*Secretary of State, Washinyton, D. C.*

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CUSTOM-HOUSE, BOSTON, *May 21, 1858.*

I, Edwin H. Loring, do solemnly depose and swear, that I belong to Camden, Maine, and sailed from Portland, Maine, to Havana, on the 18th day of March, 1858, as master of the brig "Wingold," owned in Boston, Massachusetts; that I sailed from Havana April 14, for Sierra Morena, in Cuba, in ballast. On the 15th of April saw a boat working off shore, within a mile and a half of anchorage, at Sierra Morena; the boat was within easy speaking distance; noticed an English flag on the boat, and a large number of men, say fifteen; passed right by her. When the boat was *astern* she fired a musket, blank cartridge; in two or three minutes, another; did not speak at all; could have spoken easily at any time while they were firing. In about two minutes from the second gun, a third was fired; I heard the ball whistle; struck somewhere about the mainmast, and fell on deck; it was picked up by the mate. I then hailed them, and asked "what they wanted?" [They were then getting a swivel on to the bow of the boat, and some one in the boat said they had a swivel, and if we did not heave to he would sink us.] The answer was, "I will let you know what I want when I come aboard." They came aboard; officer said he was an English officer, and belonged to a steamboat. I asked him the steamboat's name; he said, "none of your business."

He then said, "I will look at your papers, if you please." Showed him the papers; he looked at them, said he was satisfied, and went away.

The mate asked one of the men what the name of the steamboat was, and he said "Buzzard," a screw propeller.

EDWIN H. LORING.

STATE OF MASSACHUSETTS, *Suffolk, ss* :

Then the above named Edwin H. Loring appeared and took oath that the above statement, by him subscribed, was true.

J. C. LOVEJOY,  
*Justice of the Peace.*

MAY 28, 1858.

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*Extract from the log-book of the brig Wingold.*

"*Thursday, April 15, 2 a. m., made Salt key, bearing N.E. by E., distant three miles; wind N.N.W., in all light sails, and hauled on; the wind, head, to the eastward; 3 o'clock, tacked ship; 6, Stone (Salt) key, bearing north, distant five miles; made all sail and kept off south, wind N.N.W.; 10 a. m., made the high land of Sierra Morena; 1 p. m., running in for the anchorage in two fathoms water, was brought to by a shotted gun from an open boat, boarding us with some six or eight armed men, and demanding to see the brig's papers, asserting that his boat belonged to an English man-of-war.*"

I hereby certify that the above is a correct extract from the log-book of the brig "Wingold."

ARTHUR W. AUSTIN, *Collector.*

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*Mr. Cass to Mr. Schell.*

DEPARTMENT OF STATE:  
*Washington, May 22, 1858.*

SIR: The New York Herald of yesterday contains a list of the names of American vessels which have been recently searched by British armed vessels in the Gulf of Mexico and in the adjacent seas. Among these I observe the name of the brig "Brownsville," of your port.

I have, therefore, to request that you will be so good as to procure from the captain of the "Brownsville" his statement, under oath, of the circumstances attending the search of his vessel, for transmission to me. I will also thank you to furnish me with similar statements from the captains of any other American vessels arriving at your port which may have experienced like molestation.

I am, &c.,

LEWIS CASS.

AUGUSTUS SCHELL, Esq.,  
*Collector of the Customs, New York city, N. Y.*

*Mr. Cass to Mr. Austin.*

DEPARTMENT OF STATE,  
*Washington, May 22, 1858.*

SIR: The New York Herald of yesterday contains a list of the names of American vessels which have been recently searched by British armed vessels in the Gulf of Mexico and in the adjacent seas. Among these I find the names of the barque "Samos" and brig "Wingold" of your port.

I have, therefore, to request that you will be so good as to procure from the captains of those vessels their respective statements, under oath, of the circumstances attending the search of their vessels, for transmission to me.

I will also thank you to furnish me with similar statements from the captains of any other American vessels arriving at your port which may have experienced like molestation.

I am, &c.,

LEWIS CASS.

ARTHUR W. AUSTIN, Esq.,  
*Collector of the Customs, Boston, Mass.*

*Mr. Cass to Mr. Smart.*

DEPARTMENT OF STATE,  
*Washington, May 22, 1858.*

SIR: The New York Herald of yesterday contains a list of the names of American vessels which have been recently searched by British armed vessels in the Gulf of Mexico and in the adjacent seas. Among these I find the name of the brig "Eliza Merrithew," of Searsport, Maine, in your district.

I have, therefore, to request that you will be so good as to procure from the captain of the "Eliza Merrithew" his statement, under oath, of the circumstances attending the search of his vessel, for transmission to me.

I will also thank you to furnish me with similar statements from the captains of any other American vessels arriving in your district which may have experienced like molestation.

I am, sir, &c.,

LEWIS CASS.

E. K. SMART, Esq.,  
*Collector of the Customs, Belfast, Maine.*



*Mr. Cass to Mr. Mason.*

DEPARTMENT OF STATE,  
*Washington May 22, 1858.*

SIR: The New York Herald of yesterday contains a list of the names of American vessels which have been recently searched by British armed vessels in the Gulf of Mexico and in the adjacent seas. Among these I observe the name of the brig "A. A. Chapman," of your port.

I have, therefore, to request that you will be so good as to procure from the captain of the "A. A. Chapman" his statement, under oath, of the circumstances attending the search of his vessel, for transmission to me.

I will also thank you to obtain and forward similar statements from the captains of any other American vessels arriving in your port which may have experienced like molestation.

I am, &c.,

LEWIS CASS.

JOHN THOMPSON MASON, Esq.,  
*Collector of Customs, Baltimore, Maryland.*

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*Mr. Cass. to Mr. Berry.*

DEPARTMENT OF STATE,  
*Washington, May 22, 1858.*

SIR: The New York Herald of yesterday contains a list of the names of American vessels which have been recently searched by British armed vessels in the Gulf of Mexico and in the adjacent seas. Among these I find the names of the brig "George Stockham," of Bath, the ship "Grotto," and the barque "Glenburn," of Richmond, Maine.

I have, therefore, to request that you will be so good as to procure from the captains of those vessels their respective statements, under oath, of the circumstances attending the search of their vessels, and transmit them to me. I will also thank you to obtain and forward similar statements from the captains of any other American vessels arriving in your district, which may have experienced like molestation.

I am, sir, &c.,

LEWIS CASS.

JOSEPH BERRY, Esq.,  
*Collector of the Customs, Bath, Maine.*

*Mr. Schell to Mr. Cass.*

CUSTOM-HOUSE, NEW YORK,  
*Collector's Office, May 24, 1858.*

SIR: I have the honor to acknowledge the receipt of your letter of 22d instant, in reference to the brig "Brownsville," of this port, and, in reply, have to state that said vessel has not yet arrived at New York, but that in such event your request will be immediately attended to.

Referring to your letter of 18th instant, I have now the honor to transmit an authenticated statement of Cyrus A. Nichols, master of the American barque "John Howe," of Belfast, Maine, relative to the boarding of said vessel on the 12th ultimo and 2d instant.

I am, sir, with high respect, your obedient servant,

AUGUSTUS SCHELL, *Collector.*

Hon. LEWIS CASS,

*Secretary of State of the United States.*

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*Statement of Cyrus A. Nichols, master of the American barque "John Howe," of Belfast, Maine, relative to the boarding of said vessel by officers of a British cruiser, on the 12th or 13th of April and on the 2d of May, 1858.*

I sailed from Portland, Maine, for Havana, on the 3d or 4th of March, with a cargo of shooks and empty hogsheads; arrived at Havana about the 18th of March; discharged my cargo and sailed from Havana about the 10th of April for Sagua la Grande, to load with sugars and molasses for New York, pursuant to charter made in Havana, on or about the 14th of April. About 11 o'clock a. m. saw a steamer steering for me; immediately set the American ensign; as the steamer neared me, I perceived that she was an English man-of-war steamer and had English colors set; she bore down for me, hove to alongside, and lowered a boat, containing one officer and about half a dozen men; the boat pulled alongside of me, made fast, and the officer, accompanied by part of his boat's crew, boarded me; as soon as he reached my deck, I asked him to step into my cabin, and he did so; after reaching the cabin, the officer asked me if he could see my papers; I told him he could, and showed them to him. He then took the vessel's name, my name, part of the owners' names, where from, where bound, and who the consignees at Sagua la Grande were. Some of my crew told me that the boat's crew had told them they belonged to the British steamer "Buzzard." As the officer was leaving, he examined the hold and other parts of my vessel. After the occurrence of the above narrated incidents, the officer left my ship and returned to his own vessel. No further incident of this character transpired until after my arrival at Sagua la Grande. On Sunday, May 2, while lying in the harbor of Sagua la Grande, about

sunset, an English man-of-war boat, containing an officer and about a dozen men, came alongside of my barque and made fast. Immediately thereafter the officer and part of the boat's crew boarded me. At this time I was standing on deck, and as soon as the officer reached the same, I requested him to walk below; he did so. After we reached the cabin, he asked for my papers; I told him they were ashore, at the American consul's. He then asked me if I was loading; then took the name of the vessel, my name, part of owners' names, where from, what loading with, and consignees' names. He looked about the vessel, as in former instance, and left. The officer had with him a large book, and on examining that, he ascertained that the barque had been boarded previously. I was told the boat belonged to the "Buzzard."

On the first occasion the officer who boarded me wore his side-arms, and on the last he was unarmed, having left his arms in his boat. I saw no other arms in the boat, but my men told me *they* did. On the last occasion my colors were not set.

C. A. NICHOLS.

SOUTHERN DISTRICT OF NEW YORK, ss:

Cyrus A. Nichols, being duly sworn, says: He was master of the barque "John Howe" on her late voyage from Havana to Saguala Grande, and from Sagua la Grande to New York; that he has heard read the above statement, subscribed by him, and that the same is true.

C. A. NICHOLS.

Sworn and subscribed, this 24th day of May, 1858, before me.

SAMUEL GODWIN, [L. s.]  
Notary Public.

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*Mr. Austin to Mr. Cass.*

CUSTOM-HOUSE, BOSTON,  
Collector's Office, May 25, 1858.

SIR: I have the honor to acknowledge the receipt of your letter of the 22d instant, requesting statements respecting the boarding of the barque "Samos" and brig "Wingold" by British cruisers, and, in reply, have to state that the former vessel has not arrived at this port, and that the affidavit of the master of the latter was transmitted to the department on the 21st instant.

The brig "S. Thurston" and schooner "Marcia Tribon," which vessels entered at this port yesterday, are reported to have been boarded in the harbor of Sagua la Grande, and I have taken measures to procure statements of the circumstances.

Very respectfully, your obedient servant,

ARTHUR W. AUSTIN, *Collector.*

Hon. LEWIS CASS,  
*Secretary of State.*

*Mr. Cass to Mr. Hatch.*

DEPARTMENT OF STATE,  
Washington, May 25, 1858.

SIR: It appears, from a special despatch to the Baltimore "Sun" of this morning, that the American ship "John and Albert," which arrived at your port yesterday from Genoa, was fired into five times by a British war steamer, while between the coasts of Florida and Cuba, on the 17th instant.

I have to request that you will procure from the captain of the "John and Albert" his statement of the circumstances, under oath, and transmit it to me. I will also thank you to furnish me with similar statements from the captains of any other American vessels arriving at your port which may have experienced like molestation.

I am, &c.,

LEWIS CASS,

F. H. HATCH, Esq.,  
*Collector of the Customs, New Orleans, Louisiana.*

*Mr. Mason to Mr. Cass.*

CUSTOM-HOUSE, Baltimore, May 25, 1858.

SIR: I have the honor to acknowledge the receipt of your communication of the 22d instant, in regard to "American vessels which have been searched by British armed vessels in the Gulf of Mexico," and especially the brig "A. A. Chapman," of this port.

The "A. A. Chapman" does not now belong to this port. She was built here, but has since been sold, and transferred to the district of New Orleans. She is not now, nor has she been for some time, in this port.

I have procured the accompanying statement from the master and mate of the brig "Thomas Achom," of Boston, which entered at this port on the 14th instant, from Sagua la Grande, laden with sugar and molasses, which is respectfully submitted.

The master of the schooner "Lath Rich," of Frankfort, in the State of Maine, also reported to me that his vessel had been searched at the same time at Sagua la Grande; but notwithstanding he was particularly requested by me to make oath to the facts, he left this port this morning, for Boston, without having done so.

I have the honor to be, very respectfully, your obedient servant,

JNO. THOMPSON MASON,

*Collector.*

Hon. LEWIS CASS,  
*Secretary of State.*



On this twenty-fourth day of May, in the year of our Lord one thousand eight hundred and fifty-eight, before me, the collector of customs within the district and port of Baltimore, personally appeared Donald Hastings, second mate of the brig "Thomas Achom," of Boston, which entered at the port of Baltimore, from Sagua la Grande, on the fourteenth day of May, 1858, and, being duly sworn according to law, deposed and said, that on or about the second day of May, 1858, whilst in the harbor of Sagua la Grande, and whilst John Hastings, the master thereof, was on shore, certain persons in British uniform, in a barge from a British vessel lying outside of the said harbor, came on board the said brig "Thomas Achom," entered her cabin without invitation, demanded to see the papers of the vessel, searched her decks, ordered her colors to be set, and then retired from the vessel.

At the same time, before me, came John Hastings, master of the said brig "Thomas Achom," and being duly sworn, deposed and said, that whilst he was on shore he saw the persons spoken of by his second mate boarding his said vessel, and, on his return on board of his said vessel, the facts sworn to by his said second mate were reported to him.

Sworn to before me, this 24th May, 1858.

J. S. OWENS,  
*Deputy Collector.*

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*Mr. Austin to Mr. Cass.*

CUSTOM-HOUSE, BOSTON,  
*Collector's Office, May 25, 1858.*

SIR: I have the honor to acknowledge the receipt of your letter of the 19th inst., directing my attention to an article in the "Advertiser" newspaper, of this city, relating to the boarding of the barque "Clara Windsor" by the British war steamer "Forward," and requesting me to procure a statement of the circumstances from the captain of the barque, and transmit the same to the department.

In reply, I have to state that the vessel referred to is now absent on a voyage to Port au Prince, but is expected to arrive at the port of New York in about two weeks. I am, therefore, unable to procure the statement, as requested.

I am, sir, very respectfully, your obedient servant,  
ARTHUR W. AUSTIN,  
*Collector.*

Hon. LEWIS CASS,  
*Secretary of State.*

## SEIZURE OF BARQUE PANCHITA.

*Mr. Austin to Mr. Cass.*CUSTOM-HOUSE, BOSTON,  
*Collector's Office, May 26, 1858.*

SIR: I have the honor to transmit the deposition of Captain Bray, of the schooner "Marcia Tribon," of Bucksport, Maine, agreeably to your request of the 22d instant.

Very respectfully, your obedient servant,

ARTHUR W. AUSTIN, *Collector.*

Hon. LEWIS CASS,

*Secretary of State, Washington, D. C.*

CUSTOM-HOUSE, BOSTON,  
*May 26, 1858.*

I, John N. Bray, master of the schooner "Marcia Tribon," of Bucksport, Maine, do solemnly depose and testify: I sailed from Baltimore, Maryland, March 12, 1858, for Matanzas, loaded with coal; discharged, and sailed from Matanzas, the 25th of April, for Sagua la Grande. On the 26th, saw a boat about a mile distant; two guns were fired from the boat; I then hove my vessel to; the boat came alongside; one officer came aboard, requested to see my papers, said I should have kept them open for exhibition; I had them sealed to take to Sagua la Grande; I showed him my papers; he was satisfied and left; his conduct was courteous, in every respect; a British armed steamer was in sight, to which the officer of the boat said he belonged. On the 4th of May, while at anchor in the bay of Sagua la Grande, I was again boarded by an officer and two or three men from the British steamer "Buzzard." The officer asked for my papers; I told him that I had been boarded a few days before, and that I had deposited my papers in the custom-house; he then took the name of my vessel, place of destination, consignee, amount of cargo, which was molasses, and left.

JOHN N. BRAY.

COMMONWEALTH OF MASSACHUSETTS, }  
*May 26, 1858.* }

Then personally appeared the above named John N. Bray, and made oath that the foregoing statement, by him subscribed, is true.

Before me.

JOSEPH C. LOVEJOY,  
*Justice of the Peace.*

*Mr. Clinch to Mr. Cass.*CUSTOM-HOUSE, NEW YORK,  
*Collector's Office, May 27, 1858.*

SIR: Referring to the subject of your letter of 18th instant, I have the honor to transmit herewith an authenticated statement of Captain

R. W. Wheeler, of the American barque Anna, of New York, in relation to the boarding of his vessel by an officer and boat's crew from the British war steamer Styx on the 28th day of March last.

With high respect, your obedient servant,

C. P. CLINCH, *Deputy Collector.*

Hon. LEWIS CASS,

*Secretary of State, Washington, D. C.*

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*Statement of R. W. Wheeler, master of the American barque Anna, of New York, relative to the boarding of said barque on the 28th of March, 1858, by an officer from the British war steamer "Styx."*

I left this port of New York about the 27th day of January, 1858, bound for Galveston, Texas, with an assorted cargo. Arrived at Galveston about the 8th or 9th of February, 1858. Took in a cargo of cotton, hides, and sugar for New York, and sailed from that port on the 22d day of March, 1858, for New York. On the 28th day of March, Havana bearing southwest about thirty miles distant, between two and three o'clock in the afternoon saw a steamer running off from the land. When she got a little to windward of the course we were heading, she shut off steam and hove to, and run up English colors. I then ordered my colors to be run up. When I got nearly abreast of her, I saw a flag put in the quarter boat and the boat lowered away. I then backed my main-topsail and hove to. An officer and six men were put in the steamer's boat, and she pulled alongside of me and made fast. Immediately after she had made fast, the officer in charge and one or two of the crew boarded me. At this time I was standing on the forward part of the poop, near the gangway. The officer, as he came up the side, offered me his hand, and, I think, asked if I was master; the name of my vessel; where I belonged; where from; where bound, and what cargo. I gave him the usual answers. He then asked me if I had seen a schooner with a red streak around her anywhere along the coast of Cuba; he said they were in pursuit of her, as they believed she had slaves on board. I told him I had not seen any schooner of that description, but that I had seen a fore-topsail schooner to the westward the afternoon before. He did not ask to see my papers. I asked him his object in boarding vessels, and he told me, in substance, that their object was merely that they might be able to report that they had boarded a good many vessels. I don't recollect exactly the words he used, but think the above is the substance. I then asked him if he would report me at Havana. He said they would not be at Havana soon enough. Before he left he went into the cabin, at my request, and took a glass of wine with me. After we came up from the cabin, he remarked, I won't detain you any longer, and went into his boat and pulled for the steamer.

Nothing further of this character transpired during the voyage. I arrived at this port about the eighth or tenth of April.

ROBERT W. WHEELER.

## SEIZURE OF BARQUE PANCHITA.

R. W. Wheeler, master of the barque Anna, being duly sworn, says that he has heard read the foregoing statement, and that the same is true, to the best of his knowledge, information, and belief.

ROBERT W. WHEELER.

Sworn to before me, May 26, 1858.

SAMUEL GODWIN, [L. s.]  
*Notary Public.*